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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLARENCE RUSTY TOMLIN,

Defendant.

No.: CR 08-0358 PJH

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME

On June 4, 2008, the parties in this case appeared before the Court for a status conference. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from June 4, 2008, through July 2, 2008, for effective preparation of defense counsel. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by

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granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: 6/26/08

OWEN P. MARTIKAN
Assistant United States Attorney

DATED: 6-26-08

BARRY J. PORTMAN
BARRY J. PORTMAN
Federal Public Defender
Attorney for Clarence Rusty Tomlin

[PROPOSED] ORDER

As the Court found on June 4, 2008, and for the reasons stated above, an exclusion of time from June 4, 2008, through July 2, 2008, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

HON. PHYLLIS J. HAMILTON
United States District Judge